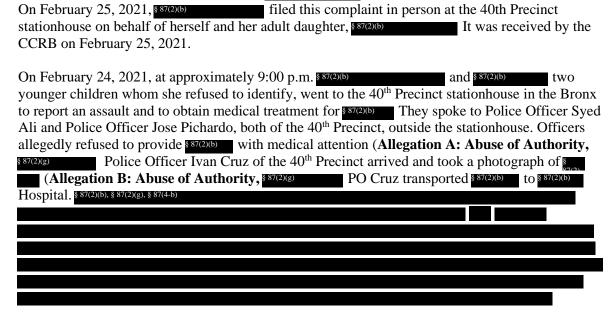
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Ariana Thomas		Squad #13	202101248	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		I	Precinct:	18	Mo. SOL	EO SOL
Wednesday, 02/24/2021 9:00 PM		40 Precinct stationhous	se		40	8.	/24/2022	8/24/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rec	eived at CCI	RB
Thu, 02/25/2021 11:46 AM		Precinct	Fax		Thu, 02/25	5/202	1 11:46 AM	]
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Anthony Maggiotta	17301	966683	040 PCT					
2. POM Syed Ali	18081	963845	040 PCT					
3. POM Ivan Cruz	25251	967022	040 PCT					
4. POM Christian Johnson	19627	966649	040 PCT					
5. POM Jose Pichardo	23992	967256	040 PCT					
6. POM Alex Okane	01409	966247	040 PCT					
7. Officers								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM James Yuquilima	07376	966408	040 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A. Officers	Abuse: C	Officers did not obtain m	nedical treatment for					
B.POM Ivan Cruz	Abuse: P	olice Officer Ivan Cruz	took a photograph o	f				
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
0.07/3/2.2.0.07/4.1.2								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(b), § 87(4-b)								

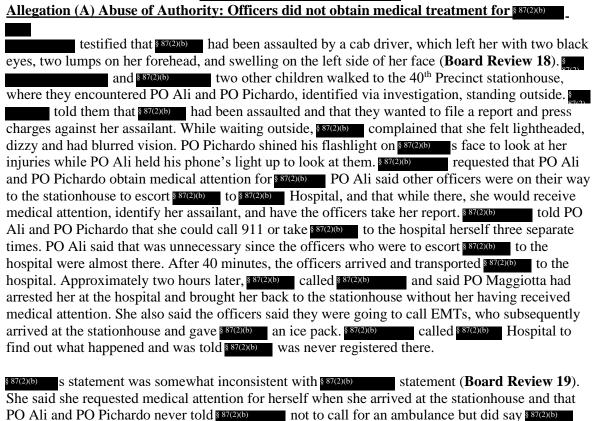
Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		

## **Case Summary**



Body-worn camera ("BWC") footage was obtained from the NYPD Legal Bureau. It is located in IAs #60 to 68(**Board Review 02-10**) and summarized in IA #86(**Board Review 11**). Stationhouse footage from the 40<sup>th</sup> Precinct was obtained. It is located in IAs #115-119 (**Board Review 12-16**) and summarized in IAs #86 (**Board Review 17**).

## **Findings and Recommendations**



would be taken to the emergency room by officers who would also take her criminal complaint report. While at \$87(2)(b) Hospital, \$87(2)(b) was told she was being placed under arrest. She was handcuffed and escorted out without the opportunity to speak to any medical staff or receive any medical attention. Approximately two hours after she returned to the stationhouse from the hospital, EMS arrived, took her temperature and blood pressure, and gave her an ice pack.

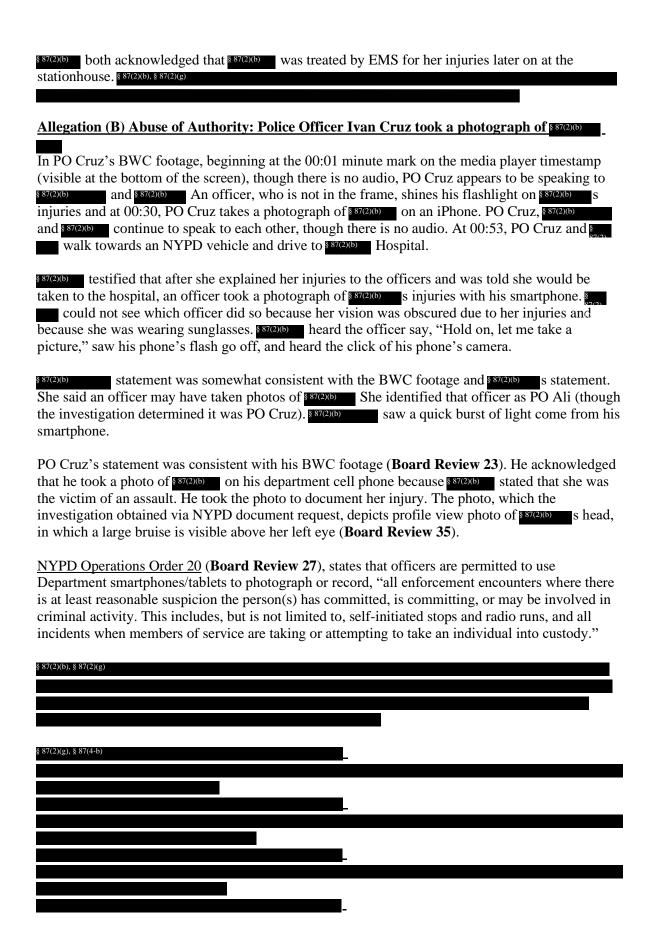
PO Cruz's BWC footage begins in front of the 40<sup>th</sup> Precinct stationhouse, where he and PO Okane have just arrived (**Board Review 06**). Beginning at the 00:45 minute mark on the media player timestamp (visible at the bottom of the screen), PO Cruz speaks to \$87(2)(6) and \$87(2)(6) there is no audio yet. PO Cruz and PO Okane transport \$87(2)(b) to \$87(2)(b) Hospital, and PO Cruz tells her that she is going to the emergency room. At 03:56, they arrive at the hospital, exit the car, and are met by PO Johnson and PO Maggiotta. PO Maggiotta asks \$87(2)(5) what happened, and she describes that her cab driver was being hostile, so she refused to pay her fare and a physical fight ensured, in which she threw something at him in self-defense. At 04:55, PO Cruz shows PO Johnson the photo he took of \$87(2)(6) as face and tells him that \$87(2)(6) wants medical attention. At 12:40, the officers and \$87(2)(b) enter the emergency room. PO Johnson tells \$87(2)(b) that if she recognizes the cab driver, to let him know. PO Cruz and PO Maggiotta walk around the corner to the cab driver, § 87(2)(b) identified via investigation, who is laying on a hospital bed being treated for his injuries. PO Maggiotta tells \$87(2)(b) that he is under arrest and that \$87(2)(b) is being arrested too. PO Maggiotta and PO Cruz walk over to \$87(2)(6) At 19:45, PO Johnson asks s87(2)(b) if she wants medical attention. \$87(2)(b) states that if she is going to be arrested, she wants the officers to take her where she has to go. PO Maggiotta says she can either receive medical attention at the hospital or go back to the stationhouse and wait to get medical attention there. says she wants to go to the stationhouse and call her mother. PO Cruz says that since she does not want medical attention, they will take her back to the stationhouse. §87(2)(6) replies, "Okay, let's go." PO Cruz and PO Maggiotta transport \$87(2)(b) back to the stationhouse, where her arrest is processed and she is searched and lodged in a holding cell.

PO Pichardo testified that earlier, \$\frac{87(2)(6)}{200}\$ who was bleeding from his face, approached him and said he had just been assaulted (**Board Review 20**). PO Pichardo called an ambulance and \$\frac{87(2)(6)}{200}\$ was transported to \$\frac{87(2)(6)}{200}\$ Hospital with PO Maggiotta. Later, \$\frac{87(2)(6)}{200}\$ and \$\frac{87(2)(6)}{200}\$ PO Pichardo outside the stationhouse and said a cab driver had assaulted \$\frac{87(2)(6)}{200}\$ PO Pichardo called PO Maggiotta and told him \$\frac{87(2)(6)}{200}\$ was at the stationhouse and that the incident involving \$\frac{87(2)(6)}{200}\$ might be related. PO Maggiotta said he would send a police vehicle to the stationhouse to bring \$\frac{87(2)(6)}{200}\$ to the hospital. PO Pichardo did not remember if \$\frac{87(2)(6)}{200}\$ appeared in need of medical attention. He did not call an ambulance for her because she did not ask him to.

PO Ali said he was not present at the stationhouse when \$\frac{8}{2(2)}\$ arrived, but his statement about what happened upon his arrival was consistent with PO Pichardo's (**Board Review 21**). Both he and PO Pichardo told \$\frac{8}{2(2)(6)}\$ that \$\frac{8}{2(2)(6)}\$ s assailant was at \$\frac{8}{2(2)(6)}\$ Hospital, and that officers would transport her there to identify him. \$\frac{8}{2(2)(6)}\$ and \$\frac{8}{2(2)(6)}\$ never requested medical attention. \$\frac{8}{2(2)(6)}\$ kept asking for a criminal complaint report to be prepared and for \$\frac{8}{2(2)(6)}\$ s assailant to be arrested.

No Medical Treatment of Prisoner Report was prepared for (See OMN) (Board Review 34). The command log entry for her arrest documents that she did not request medical attention (Board Review 25).

Both \$87(2)(b) and \$87(2)(b) acknowledged that \$87(2)(b) was escorted to \$87(2)(b) Hospital, both to identify her assailant and to receive medical attention, and the BWC footage shows that while at the hospital, \$87(2)(b) was offered medical attention and refused it. Additionally, \$87(2)(b) and \$100 cm.



§ 87(2)(g), §	87(4-b)
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•	Civilian and Officer CCRB Histories  This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been a party (Board Review 28, 29).  PO Ali has been a member of service for three years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. \$87(2)(g)
•	PO Pichardo has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.  PO Cruz has been a member of service for two years and has been named a subject in one CCRB complaint and one allegation, which was not substantiated.  §87(2)(9)
•	PO Maggiotta has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.  PO Johnson has been a member of service for two years and has been a subject in one CCRB complaint and one allegation.  [87(2)(9)]
•	PO Okane has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.
•	Mediation, Civil and Criminal Histories  This complaint was not suitable for mediation.  As of March 10, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 30).

Squad No.:			
Investigator:		Inv. Ariana § 87(2)(b)	08/19/2021
-	Signature	Print Title & Name	Date
Squad Leader:		IM Laura Kastner	08/19/2021
-	Signature	Print Title & Name	Date